U.S. Application No.: 10/721,909   Patent
Reply to Official Action of July 3, 2008   Attorney Docket No.: 85934-122

REMARKS/ARGUMENTS

A. Summary of the Amendments

Claims 58-60 have been cancelled.

Claims 61-63 are new.

The present application contains sixty (60) claims, numbered 1-57 and 61-63.

B. Double Patenting rejection of claims 1-29 and 31-56

On page 2 of the Office Action, the Examiner has rejected claims 1, 17, 18, 31, 47 and 48 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 28-38, 46 and 47 of United States Patent 7,006,456 B2. Dependent claims 2-16, 18-29, 32-46 and 49-56 have been rejected as being dependent on rejected claims.

In response, the Applicant submits herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). The terminal disclaimer shows that the conflicting patent is commonly owned with the present application. It is thus respectfully requested that the rejection of claims 1-29 and 31-56 be withdrawn.

C. Summary of Claim Rejections under 35 USC 102(e) and Reply

On page 3 of the Office Action, the Examiner has rejected claims 1-29, 31-34, 36-39, 41-50 and 52-56 under 35 USC 102(e) as being anticipated by U.S. Patent 7,149,359 (hereafter to be referred to as Omoigui).

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For the reasons presented below, the Applicant respectfully disagrees with the Examiner and submits that claims 1-29, 31-34, 36-39, 41-50 and 52-56 are allowable in their current form.

Claim 1

For ease of reference, independent claim 1 has been reproduced herein below.

> A method of processing data carried on a media path between a first network element and a second network element, comprising:
> - receiving a stream of composite packets from the first network element, each composite packet carrying media information and auxiliary information pertaining to the composite packet;
> - generating, on a basis of the media information and the auxiliary information carried in the composite packets, an output media stream free of the auxiliary information carried in the composite packets;
> - releasing the output media stream towards the second network element.

The Applicant respectfully submits that Omoigui does not teach or suggest all of the above-emphasized elements of independent claim 1.

Omoigui fails to teach or suggest "receiving a stream of *composite packets* from the first network element, each *composite packet* carrying media information and auxiliary information pertaining to the *composite packet*", nor does Omoigui teach or suggest "generating, on a basis of the media information and the auxiliary information carried in the *composite packets*, an output media stream *free of the auxiliary information carried in the composite packets*".

Specifically, Omoigui does not teach information being in the form of *composite packets*. Instead, it is stated that "For a composite media stream, the individual data streams are typically interleaved in a single sequence of data packets" (Omoigui column 4, lines 57-58). The packets themselves are not described as being composite or containing auxiliary information.

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Moreover, although individual packets may differ as to which individual data stream they belong to, and although packets from different data streams may be interleaved so as to form a composite *stream* of packets, the *packets* themselves remain unchanged in Omoigui. That is, no packet in Omoigui is ever modified such that it appears in any output stream in such a form that it is *free of auxiliary information*. It is therefore clear that Omoigui does not teach or suggest the aforementioned elements of claim 1.

As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim". Since it has been shown that not all elements of claim 1 are taught by Omoigui, it is respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of this claim be withdrawn.

Claims 2-16, 19-29

Each of claims 2-16 depends from claim 1 and as such incorporates by reference all the elements contained therein, and therefore distinguishes over Omoigui for the same reasons as those presented above in support of claim 1. It is therefore respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of claims 2-16 be withdrawn.

Claims 17 and 18

Claims 17 and 18 include language similar to that of claim 1 and therefore distinguish over Omoigui for the same reasons as those presented above in support of claim 1. In particular, since it has been shown that not all elements of claim 1 are taught by Omoigui, it is respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of claims 17 and 18 be withdrawn.

Claim 31

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For ease of reference, independent claim 31 has been reproduced herein below.

> A method of processing data carried on a media path between a first network element and a second network element, comprising:
> - receiving a stream of packets from the first network element, each received packet carrying media information;
> - deriving from the media information carried in each received packet auxiliary information pertaining to the received packet;
> - generating, a stream of composite packets, each said composite packet being produced from the media information carried in a respective received packet and the auxiliary information pertaining to the respective received packet;
> - releasing the stream of composite packets towards the second network element.

Omoigui fails to teach or suggest "*deriving* from the media information carried in each received packet *auxiliary information* pertaining to the received packet" nor does Omoigui teach or suggest "generating a stream of *composite packets*, each said *composite packet* being produced from *the media information* carried in a respective received packet and *the auxiliary information* pertaining to the respective received packet".

Specifically, Omoigui does not teach information being transmitted in the form of *composite packets*. Instead, it is stated that "For a composite media stream, the individual data streams are typically interleaved in a single sequence of data packets" (Omoigui column 4, lines 57-58). Moreover, although individual packets in Omoigiu may differ as to which individual data stream they belong to, their interleaving does not involve the derivation of auxiliary information. To be precise, Omoigui's interleaving does not teach *deriving auxiliary information from the media information carried in each received packet*, much less *generating composite packets from the auxiliary information and the media information from which it was derived*. Thus it is clear that Omoigui does not teach or suggest the aforementioned elements of claim 31.

As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim". Since it has been shown that not all elements of claim 31 are taught by Omoigui, it is respectfully submitted that Omoigui does not support a

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rejection based on anticipation and it is respectfully requested that the Examiner's rejection of this claim be withdrawn.

Claim 32-46

Each of claims 32-46 depends from claim 31 and as such incorporates by reference all the elements contained therein, and therefore distinguishes over Omoigui for the same reasons as those presented above in support of claim 31. It is therefore respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of claims 32-46 be withdrawn.

Claims 47 and 48

Claims 47 and 48 include language similar to that of claim 31 and therefore distinguish over Omoigui for the same reasons as those presented above in support of claim 31. In particular, since it has been shown that not all elements of claim 31 are taught by Omoigui, it is respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of claims 47 and 48 be withdrawn.

Claim 49-56

Each of claims 49-56 depends from claim 48 and as such incorporates by reference all the elements contained therein, and therefore distinguishes over Omoigui for the same reasons as those presented above in support of claim 48. It is therefore respectfully submitted that Omoigui does not support a rejection based on anticipation and it is respectfully requested that the Examiner's rejection of claims 49-56 be withdrawn.

D. Restriction Requirement

In the Response to Restriction Requirement filed April 17, 2008, the Applicant remarked that the Examiner had indicated that "the combination as claimed does not

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require the particulars of the subcombination as claimed because receiving a packet and release [*sic*] the packet does not need and [*sic*] conference bridge." It was respectfully submitted that the Examiner's reasoning did not apply to non-elected claim 30, which recites language that mirrors that of claim 1; moreover, both claims 1 and 30 specifically include the terms "receiving" and "releasing". It was also respectfully submitted that the Examiner's reasoning did not apply to non-elected claim 57, which recites language that mirrors that of claim 31, and both claims specifically include the terms "receiving" and "releasing". It had therefore been respectfully submitted that claims 30 and 57 should have been examined together with claims 1-29 and 31-56.

In the Office Action mailed July 3, 2008, the Examiner did not appear to respond to the Applicant's remarks. The Applicant therefore takes this opportunity to respectfully request that the Examiner consider the above remarks and provide a reply thereto.

E. Claims 35, 40 and 51

In the Office Action, the Examiner has not rejected any of claims 35, 40 and 51 under 35 USC 102 or 35 USC 103. Accordingly, new independent claims 61-63 have been added, corresponding to previous dependent claims 35, 40 and 51 rewritten to include all the elements of the respective base claim and any intervening claims. The Examiner is respectfully requested to acknowledge allowability of these claims.
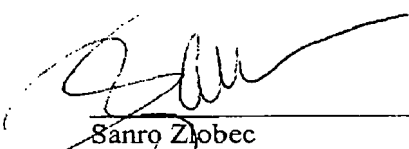
CONCLUSION

In view of the above, it is respectfully submitted that claims 1-29, 31-56 and 61-63 are in condition for allowance. It is also respectfully submitted that non-elected claims 30 and 57 are in condition for allowance and should be included among the examined claims. Reconsideration of the rejections and objections is requested. Allowance of claims 1-29, 31-56 and 61-63, together with an indication of potential allowability of non-elected claims 30 and 57, is respectfully solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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